

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 231 of 2017**

Ram Pratap S/o Sukhdeo Aged About 52 Years R/o Village Lavahori,
Police Station Kotadol, District Korea, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh through Station House Officer, Police Station
Kotadol, District Korea, Chhattisgarh.

---- Respondent

For applicant	Ms. Hameeda Siddiqui, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-7-2017**

1. Learned counsel for the applicant submits that in Crime No. 2/2017 registered in PS Kotadol, Distt. Korea under Section 343, 376, 506, 34 of the Indian Penal Code, 1860, police has filed charge sheet against co-accused Chhotelal Balan after his arrest and in the said charge sheet applicant is shown absconding and the charge sheet is filed under Section 299 of the Cr.P.C. before the JMFC Janakpur, Distt. Korea pending for its committal.
2. Learned counsel for applicant further submits that as instructed, instant MCRCA may be disposed of as withdrawn as the applicant intends to surrender before the concerned court of Judicial Magistrate First Class, Janakpur Distt. Korea having jurisdiction for the moment and further intends to file an application under Section 437 of the Cr.P.C. He further submits that concerned court may be directed to hear the matter and decide the said application as early as possible preferably on the same day.
3. As prayed, instant MCRCA is disposed of as withdrawn without any appreciation on its merit. It is directed that if the applicant gives three

days' prior notice to the IO/SHO/incharge of Police Station Kotadol, Distt. Korea (CG), in connection with Crime No. 2/2017 under Section 343, 376, 506, 34 of the Indian Penal Code, 1860 regarding his surrender before the concerned Judicial Magistrate having jurisdiction and also give 3 days prior intimation to the concerned Judicial Magistrate having jurisdiction and if the applicant after surrenders as per law, files an application under Section 437 of the Cr.P.C., after completion of all formalities as required under the law by the police and the concerned Magistrate, the said application for release on bail under Section 437 of the Cr.P.C. be disposed of as expeditiously as possible preferably on the same day on the basis of its own merit.

4. The applicant himself may file copy of the order before the concerned court for compliance. Registrar (Judicial) is also directed to send copy of the order to the concerned Magistrate having jurisdiction through fax and usual mode immediately.
5. MCRCA is accordingly disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge